

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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SCOTT L. BAENA, LITIGATION TRUSTEE  
OF THE LERNOUT & HAUSPIE SPEECH  
PRODUCTS N.V. LITIGATION TRUST

Plaintiff,

- v -

KPMG LLP and KLYNVELD PEAT MARWICK  
GOERDELER BEDRIJFSREVISOVEN,

Defendants.

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Civil Action No. 04-12606 PBS

**KPMG LLP'S UNOPPOSED MOTION FOR LEAVE TO FILE A  
REPLY MEMORANDUM IN FURTHER SUPPORT OF ITS  
MOTION TO DISMISS THE COMPLAINT**

DAVIS POLK & WARDWELL

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Dated: February 25, 2005

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*Attorneys for KPMG LLP*

The Defendant, KPMG LLP (“KPMG US”) respectfully moves for leave of Court to file a Reply Memorandum in further support of its Motion to Dismiss the Complaint. As grounds for this motion, KPMG US states that Plaintiffs’ Opposition raises arguments that confuse the issues before the Court, and KPMG US believes that a short Reply will assist the Court in ruling upon the Motion to Dismiss the Complaint. In addition, during conferences among counsel for the parties, counsel agreed that Plaintiff’s time to respond to Defendants’ Motion to Dismiss would be extended to Friday, February 11, 2005 and Plaintiff consented to Defendants’ filing of reply briefs (as permitted by leave of the court) by February 25, 2005. *See* Joint Motion of Plaintiff and Defendant Klynveld Peat Marwick Goerdeler Bedrijfsrevisoven to Extend Response Deadline and Reschedule Hearing, at p. 2.

Dated: February 25, 2005

Respectfully Submitted,

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Certificate of Service

I hereby certify that a true copy of the above document was served upon the attorney of record for each party electronically and by first-class mail on February 25, 2005.

/s/ Kristin G. McGurn

**Certification of Compliance with Local Rule 7.1(A)(2)**

Undersigned counsel for KPMG US hereby certifies that the a via telephonic communications on January 21, 2005 between David W. Trench, Esq., counsel for Scott L. Baena, Litigation Trustee of the Lernout & Hauspie Speech Products, N.V. Litigation Trust and Michael S. Flynn, Esq., counsel for KPMG US, Plaintiff's counsel indicated that the Plaintiff does not oppose the relief sought by this motion. *See also* Joint Motion of Plaintiff and Defendant Klynveld Peat Marwick Goerdeler Bedrijfsrevisoven to Extend Response Deadline and Reschedule Hearing, at p. 2.

/s/ Kristin G. McGurn